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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,791	04/16/2001	Douglas G Daniel Jr	3688-025	6044

26158 7590 04/19/2005

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EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/835,791	<b>Applicant(s)</b> DANIEL JR ET AL.	
	<b>Examiner</b> Baoquoc N To	<b>Art Unit</b> 2162	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 33-112 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-28 and 33-112 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. Claims 1-28 and 33-112 are pending in this application.

#### ***Response to Arguments***

2. Applicant's arguments filed 09/28/24 have been fully considered but they are not persuasive.

The applicant argues that "there is no suggestion or motivation to combine Yeskel with Josephson because Yeskel is directed to a system and method of identifying images of items, such as bank checks, that are of suspect quality, wherein Josephson is directed to a system and method of providing advance notice of presentment returns due to account restriction."

The examiner respectfully disagrees with the above argument. Yeskel suggests an archive subsystem that for a portion of a larger image archive and retrieval system (col. 4, lines 60-62). Yeskel's system also captures the checks and store in the archive devices 27 wherein the front and the back of the checks are two different data structures as stored in the archive device. The concept of capturing and storing of different data structure is taught by Yeskel, however, Josephson's system also the check capturing system wherein the capturing including on-us item" (col. 8, lines 24-29), "a cash letter" (col. 8, lines 39-40) and "all items database" (320, fig. 330). Since, both system are in the same field of endeavor, therefore, the modifying multiples data structure to include the a cash letter and all items database as disclosed by Josephson would be able to allow appropriate trade offs to be made between performance and cost.

The applicant also argues "thus, even if Yeskel's teaching of producing images of the front and back sides of a check does not suggest "multiples data structure," which applicant disagree, Yeskel still does not suggest a transaction data archive having multiples data structures."

The examiner respectfully disagrees with the above argues. The examiner addresses the point of multiples data structures are the back and front sides image of the check as stored in the archive system (col. 5, lines 30-35). Since, there is more than one structure is utilized, therefore, the modification can be done to include other items e.g. a cash letter and all items database which discloses by Josephson. Please see the above motivation for combination.

The applicant also point out that Yeskel's disclosure of generating digital images of the front and back of a check does not make obvious to one ordinary skill in the art a the time of the invention the use of transaction data archive comprises of an on-us items data structure, an all items data structure and a cash letter items data structure are disclosed in the specification.

The examiner suggests the in order to distinguish the structure of the front and back sides of the checks from the on-us item data structure, and all items data structure and a cash letter items data structure, is to incorporate the definition from the specification or the same explanation from the remark page 24.

Claims 2-17 and 19-28, 33-38 and 90-112 are depended on claims 1, 19 and 89, therefore, they are rejected under the same reason.

Please see rejection dated on 04/19/2004.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.

Art Unit: 2162

The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Baoquoc N. To

March 18, 2005



JEAN M. CORHIELUS  
PRIMARY EXAMINER